Please amend the application as follows:

Amendments to the Claims

Please amend Claims 12 and 40. The Claim Listing below will replace all prior versions of the claims in the application:

Claim Listing

1. (Previously Presented) A computer-implemented method for providing a figure of merit indicating a value for a member node of a partitioned network cluster to continue operating, the method comprising:

querying, by a management program, a user application program executing on the member node of the partitioned network cluster for the figure of merit;

determining, by the user application program, the figure of merit, by assessing merit criteria for the member node, where assessing merit criteria includes determining a number of users executing the user application program from the member node; and

returning the figure of merit from the user application program to the management program.

2. (Canceled)

3. (Canceled)

4. (Previously Presented) The method of Claim 1 wherein assessing merit criteria includes:

determining an execution priority of the user application program.

5. (Previously Presented) The method of Claim 1 wherein querying the user application program includes:

providing a proposed figure of merit.

6. (Previously Presented) The method of Claim 5 wherein determining the figure of merit includes:

determining an alternate figure of merit derived by assessing merit criteria for the member node; and

selecting between the proposed figure of merit and the alternate figure of merit.

7. (Previously Presented) A computer-implemented method for resolving a partitioned computer network cluster including multiple cluster partitions, the method comprising:

evaluating a partition figure of merit for each cluster partition including:

requesting, from a user application program executing on the cluster partition, a node figure of merit, indicating a value to the user application program for a member node, on which the user application is executing, to continue operation;

providing, from the user application program, the requested node figure of merit; and

evaluating the provided node figure of merit to determine the partition figure of merit;

selecting, in response to the partition figure of merit, a cluster partition to operate as the network cluster; and

halting operation of the remaining cluster partitions.

8. (Previously Presented) The method of Claim 7 wherein requesting a node figure of merit further includes:

providing, from a cluster manager executing on the member node, a proposed node figure of merit.

9. (Previously Presented) The method of Claim 8 wherein providing the requested node figure of merit includes:

determining an alternate node figure of merit derived by assessing merit criteria for the member node; and

selecting between the proposed node figure of merit and the alternate node figure of merit.

10. (Previously Presented) The method of Claim 9 wherein assessing merit criteria includes: determining a number of users executing the user application program from the member node.

11. (Previously Presented) The method of Claim 9 wherein assessing merit criteria includes: determining an execution priority of the user application program.

12. (Currently Amended) A computer program product for providing a figure of merit indicating a value for a member node of a partitioned network cluster to continue operating, the computer program product comprising a computer usable medium having computer readable code stored thereon, including program code which:

queries a user application program executing on the member node of the partitioned network cluster for the figure of merit;

directs the user application program to determine the figure of merit by directing the user application program to assess merit criteria including determining a number of users executing the user application program from the member node; and

receives from the user application program the figure of merit.

13. (Previously Presented) A system for providing a figure of merit indicating a value for a member node of a partitioned network cluster to continue operating, the system comprising:

a means for querying, by a management program, a user application program executing on the member node of the partitioned network cluster for the figure of merit;

a means for determining, by the user application program, the figure of merit, by

assessing merit criteria for the member node including determining a number of users executing the user application program from the member node; and

a means for returning the figure of merit from the user application program to the management program.

14. (Canceled)

15. (Canceled)

16. (Previously Presented) The system of Claim 13 wherein a means for assessing merit criteria includes:

a means for determining an execution priority of the user application program.

17. (Previously Presented) The system of Claim 13 wherein a means for querying the user application program includes:

a means for providing a proposed figure of merit.

18. (Previously Presented) The system of Claim 17 wherein determining the figure of merit includes:

a means for determining an alternate figure of merit derived by assessing merit criteria for the member node; and

a means for selecting between the proposed figure of merit and the alternate figure of merit.

19. (Previously Presented) A computer-implemented method for providing a figure of merit indicating a value for a member node of a partitioned network cluster to continue operating, the method comprising:

providing a proposed figure of merit from a management program to a user application program executing on the member node of the partitioned network cluster;

querying, by the management program, the user application program executing on the partitioned network cluster for the figure of merit;

assessing, by the user application program, merit criteria for the figure of merit, wherein assessing merit criteria including:

determining a number of users executing the user application program from the member node; and

determining an execution priority of the user application program;

determining an alternate figure of merit derived by assessing the merit criteria;

selecting, by the user application program, between the proposed figure of merit and the alternate figure of merit; and

returning the figure of merit from the user application program to the management program.

20. (Previously Presented) A computer-implemented method for resolving a partitioned computer network cluster including multiple cluster partitions, the method comprising:

evaluating a partition figure of merit for each cluster partition including:

providing, from a cluster manager executing on the member node, a proposed node figure of merit to a user application program executing on the cluster partition;

requesting, from the user application program, a node figure of merit, indicating a value to the user application program for a member node, on which the application is executing, to continue operation;

assessing, by the user application program, merit criteria for the member node, wherein assessing merit criteria including:

determining a number of users executing the user application program from the member node; and

determining an execution priority of the user application program;

determining, by the user application program, an alternate node figure of merit derived by assessing the merit criteria for the member node;

selecting between the proposed node figure of merit and the alternate node figure of merit;

providing, from the user application program, the requested node figure of merit; and

evaluating the provided node figure of merit to determine the partition figure of merit;

selecting, in response to the partition figure of merit, a cluster partition to operate as the network cluster; and

halting operation of the remaining cluster partitions.

21. (Previously Presented) The method of Claim 1 further includes determining by the management program whether there is a user application program executing on the member node to query.

22. (Previously Presented) The method of Claim 1 wherein querying, by the management program, further includes querying a plurality of user application programs at a member node for the figure of merit.

23. (Previously Presented) The method of Claim 1 wherein returning the figure of merit from the user application program to the management program includes voting by the user application program on the value of the member node to continue operation in the partitioned network cluster.

24. (Previously Presented) A computer-implemented method for providing a figure of merit indicating a value for a member node of a partitioned network cluster to continue operating, the method comprising:

querying, by a management program, a plurality application programs executing on at least one member node of the partitioned network cluster for the figure of merit;

determining, by each of the plurality of application programs executing on the member node, the figure of merit, by assessing merit criteria including for the member node determining an execution priority of one or more of the application programs; and

returning the figure of merit from each of the application programs executing on the member node to the management program.

25. (Canceled)

26. (Previously Presented) The method of Claim 24 wherein assessing merit criteria includes determining a number of users executing one or more of the application programs from the member node.

27. (Canceled)

28. (Previously Presented) The method of Claim 24 wherein querying each of the application programs includes providing a proposed figure of merit.

29. (Previously Presented) The method of Claim 28 wherein determining the figure of merit includes:

determining an alternate figure of merit derived by assessing merit criteria for the member node; and

selecting between the proposed figure of merit and the alternate figure of merit.

30. (Previously Presented) The method of Claim 24 further includes determining by the management program whether there is an application program executing on the member node to query.

31. (Previously Presented) The method of Claim 24 wherein returning the figure of merit from the application program to the management program includes voting by the application program on the value of the member node to continue operation in the partitioned network cluster.

32. (Previously Presented) A computer-implemented method for resolving a partitioned computer network cluster including multiple cluster partitions, the method comprising:

evaluating a partition figure of merit for each cluster partition including:

requesting, from a plurality of application programs executing on a member node in the cluster partition, a node figure of merit, the figure of merit indicating a value to the application program for a member node on which the application is executing, to continue operation;

providing, from each of the application programs, the requested node figure of merit; and

evaluating the provided node figure of merit to determine to partition figure of merit;

selecting, in response to the partition figure of merit, a cluster partition to operate as the network cluster; and

halting operation of the remaining cluster partitions.

33. (Previously Presented) The method of Claim 32 wherein requesting a node figure of merit further includes:

providing, from a cluster manager executing on the member node, a proposed node figure of merit.

34. (Previously Presented) The method of Claim 33 wherein providing the requested node figure of merit includes:

determining an alternate node figure of merit derived by assessing merit criteria for the member node; and

selecting between the proposed node figure of merit and the alternate node figure of merit.

35. (Previously Presented) The method of Claim 34 wherein assessing merit criteria includes:

determining a number of users executing each of the application programs from the member node.

36. (Previously Presented) The method of Claim 34 wherein assessing merit criteria includes:

determining an execution priority of each of the application programs.

37. (Previously Presented) The method of Claim 32 wherein determining the figure of merit includes:

determining an alternate figure of merit derived by assessing merit criteria for the member node; and

selecting between the proposed figure of merit and the alternate figure of merit.

38. (Previously Presented) The method of Claim 32 further includes determining whether there is an application program executing on the member node to query.

39. (Previously Presented) The method of Claim 32 wherein providing, from each of the application programs, the requested node figure of merit includes voting by each of the application programs on a value of the member node to continue operation in the cluster partition.

40. (Currently Amended) A computer program product for resolving a partitioned network cluster, the computer program product including computer readable instructions stored on a computer usable medium for providing a figure of merit indicating a value for a member node of the partitioned network cluster to continue operating by:

querying a plurality of application programs executing on a member node of the partitioned network cluster for the figure of merit; and

determining, by each of the application programs, the figure of merit, by assessing merit criteria for the member node including determining an execution priority of one or more of the application programs.

41. (Previously Presented) A system for providing a figure of merit indicating a value for a member node of a partitioned network cluster to continue operating, the system comprising:

a means for querying, by the management program, a plurality of application programs executing on a member node of the partitioned network cluster for the figure of merit;

a means for determining, by each of the application programs, the figure of merit, by assessing merit criteria for the member node including determining an execution priority of one or more of the application programs; and

a means for returning the figure of merit from each of the application programs to the management program.

42. (Previously Presented) A computer-implemented method for providing a figure of merit indicating a value for a member node of a partitioned network cluster to continue operating, the method comprising:

providing a proposed figure of merit from a management program to a plurality of user application program executing on the partitioned network cluster;

querying, by the management program, each of the application programs executing on the partitioned network cluster for the figure of merit;

assessing, by each of the application programs, merit criteria for the figure of merit, wherein assessing merit criteria including:

determining a number of users executing each of the application programs from the member node; and

determining an execution priority of each of the application programs;

determining an alternate figure of merit derived by assessing the merit criteria;

selecting, by each of the application programs, between the proposed figure of merit and the alternate figure of merit; and

returning a respective figure of merit from each of the application programs to the management program.

43. (Previously Presented) A computer-implemented method for resolving a partitioned computer network cluster including multiple cluster partitions, the method comprising:

evaluating a partition figure of merit for each cluster partition including:

providing, from a cluster manager executing on the member node, a proposed node figure of merit to a plurality of application programs executing on the cluster partition;

requesting, from each of the application programs, a node figure of merit, indicating a value to the user application program for a member node, on which the application is executing, to continue operation;

assessing, by the each of the application programs, merit criteria for the member node, wherein assessing merit criteria including:

determining a number of users executing each of the application programs from the member node; and

determining an execution priority of the each of the application programs;

determining, by each of the application programs, an alternate node figure of merit derived by assessing the merit criteria for the member node;

selecting between the proposed node figure of merit and the alternate node figure of merit;

providing, from each of the application programs, the requested node figure of merit; and

evaluating the provided node figure of merit to determine the partition figure of merit;

selecting, in response to the partition figure of merit, a cluster partition to operate as the network cluster; and

halting operation of the remaining cluster partitions.

44. (Previously Presented) A system for providing a figure of merit indicating a value for a member node of a partitioned network cluster to continue operating, the system comprising:

at least one user application program executing on the member node of the partitioned network cluster; and

a cluster manager which directs the user application program to determine the figure of merit by querying the user application program for the figure of merit by assessing merit criteria for a member node, on which the user application is executing, including determining a number of users executing the user application program from the member node.

45. (Previously Presented) The system of Claim 44 wherein the user application program determines the figure of merit and returns the figure of merit to the cluster manager.

46. (Canceled)

47. (Canceled)

48. (Previously Presented) The system of Claim 44 wherein assessing the merit criteria includes determining an execution priority of the user application program.

49. (Previously Presented) The system of Claim 44 further includes determining by the cluster manager whether there is a user application program executing in the partitioned network cluster to query.

50. (Previously Presented) The system of Claim 44 wherein the cluster manager queries a plurality of user application programs executing in the partitioned network cluster.

51. (Previously Presented) A system for providing a figure of merit indicating a value for a member node of a partitioned network cluster to continue operating, the system comprising:

a plurality of user application programs executing on a member node of the partitioned network cluster; and

a cluster manager which directs each of the application programs to determine the figure of merit by querying the application programs for the figure of merit by directing one or more of the application programs to assess merit criteria for the member node, on which the application program is executing, including determining an execution priority of one or more of the application programs.

52. (Previously Presented) The system of Claim 51 wherein each of the application programs determine a respective figure of merit and return the figure of merit to the cluster manager.

53. (Canceled)

54. (Previously Presented) The system of Claim 51 wherein assessing the merit criteria includes determining a number of users executing each of the application programs from the member node.

55. (Canceled)

56. (Previously Presented) The system of Claim 51 further includes determining by the cluster manager whether there is an application program executing in the partitioned network cluster to query.

57. (Previously Presented) The computer program product of Claim 12 wherein directing the user application program to assess the merit criteria further includes directing the user application to determine an execution priority of the user application program.

58. (Previously Presented) The computer program product of Claim 12 wherein further includes providing, from a cluster manager executing on the member node, a proposed node figure of merit based on the figure of merit received from the user application program.

59. (Previously Presented) The computer program product of Claim 58 wherein the cluster manager queries a plurality of user application programs executing in the partitioned network cluster.

60. (Previously Presented) The computer program product of Claim 40 wherein directing the application program to assess the merit criteria further includes directing the user application to determine a number of users executing the user application from the member node.

61. (Previously Presented) The computer program product of Claim 40 further includes a cluster manager determining whether there is a user application program executing in the partitioned network cluster to query.

62. (Previously Presented) The computer program product of Claim 61 wherein the cluster manager queries a plurality of user application programs executing in the partitioned network cluster.